



17 AUG 2004

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In re Application of	:	
MEDEBACH, et al.	:	DECISION ON PETITIONS
U.S. Application No.: 09/284,117	:	
PCT No.: PCT/EP97/05057	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 September 1997	:	
Priority Date: 08 October 1996	:	AND 37 CFR 1.497(d)
Attorney Docket No.: 08204.028	:	
For: WINDOW FRAME FOR A MOTOR VEHICLE	:	
DOOR WITH A WINDOW WINDER	:	

I. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 August 2000 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "The delay in prosecuting this application which resulted in abandonment was unintentional" is being interpreted to mean that the entire delay in filing the a proper response to the "Notification of Missing Requirements" (Form PCT/DO/EO/905) from the due date for filing the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. If this is an incorrect reading of applicant's statement applicant should contact the PCT Legal Office immediately. Applicant's statement and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a proper reply in the form of the petition under 37 CFR 1.497 and executed declaration as discussed below and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

II. Petition Under 37 CFR 1.497(d)

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Carmelo Gutierrez declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has filed a combined declaration and power of attorney executed by the inventor named in the published international application, Thomas Medebach, as well as, Carmelo Gutierrez.

As Item (3), applicant has authorized the charging of the \$130.00 petition fee to Deposit Account No.: 50-0548.

Regarding Item (4), applicant has provided the written consent of the assignee.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the petitions under 37 CFR 1.137(b) and 37 CFR 1.497(d) are **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 16 September 1997 and a date of **14 August 2000** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision



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